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OFFICE OF PETITIONS

In re Application of :
Whittle et al. : DECISION DISMISSING
Application No. 10/651,225 : PETITION AS MOOT
Filed: August 28, 2003 :
Attorney Docket No. 5573-123DV :

This is a decision on the petition under 37 CFR 1.10 filed on May 5, 2004, requesting that the above-identified application be accorded a filing date of August 28, 2003.

Petitioner alleges that the application was deposited in Express Mail service on August 28, 2003. In support, on May 5, 2004, petitioner supplied a copy of Express Mail receipt No. EV353608799US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file).

A review of the Office PALM records reveals that this application was previously accorded a filing date of August 28, 2003.

Therefore, the present petition is unnecessary and will be dismissed as moot.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of August 28, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

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